

Appl. No. 10/751,725
Atty. Docket No. 8222D
Amdt. dated 12/29/2004
Reply to Office Action of 10/04/2004
Customer No. 27752

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REMARKS

Formal Matters

Claim 1 amended to include the limitation previously found in Claim 2. Antecedent basis for the amendment can be found in Claim 2 as well as in the specification at page -, line 28 – page 10, line 1. Claim 2 is canceled without prejudice. No new matter is believed to be added by these amendments.

Obviousness Double Patenting

Claims 1, 2, and 10 were provisionally rejected under the doctrine of obviousness-double patenting over Claims 1-3, 12, and 14 of copending Application Serial No. 10/390,214 in view of Goldman (US Patent 5,562,646).

Claims 1 and 2 were provisionally rejected under the doctrine of obviousness-double patenting over Claims 1-3 and 14 of US Patent 6,534,174 in view of Goldman (US Patent 5,562,646).

Enclosed herewith is a terminal disclaimer for the present application over the '214 application and the '646 patent.

35 USC 102

Claims 1-3 have been rejected under 35 USC 102(b) as being anticipated by MAYS (WP 017 807 A2) further evidenced by MAGNUSSON (WO 99/00098). Claim 1 of the present application has been amended to include the limitation of now canceled Claim 2 to specify that the web has and Ambient Temperature (22C) Oil Absorbency of at least about 7 g/g. Applicants submit that pending Claims 1 and 3 are novel over the cited art for the reasons discussed below.

MAYS discloses a fabric comprising: (i) *a thin layer* of fusible fibers (which can be bi-component fibers) at one or both outer surfaces of the fabric; and (ii) a base layer. The fibers that can be used in the base layer (see MAYS, page 5, lines 15-26) are disclosed to be "polyester and Nylon 6, which have melting temperatures in the range of about 250-288 °C and about 213-221 °C, respectively,...". These polymers in general would be significantly less oleophilic than lower melting point polymers used in the fibers in the thin outer layer(s). Further, MAYS discloses that the base layer forms the *major* constituent of the fabric (see MAYS, page 4, lines 8-10). This is further emphasized by MAYS disclosure that the fusible fibers are used only in a "thin" layer at the surface(s) of the fabric.

Since the major constituent of the MAYS fabric is a low oleophilicity polymer, Applicants assert that MAYS discloses a materially different structure that present

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invention, and respectfully submit that it should not be inferred that either the base layer (of low oleophilic fibers) or the fabric of MAYS, as a whole, including the thin outer layer(s), would meet the elevated oil absorbency requirements of Applicants' Claim 1. Therefore, Applicants maintain that Claims 1 and 3 are not anticipated by the cited references.

35 USC 103

Claims 10-13 have been rejected under 35 USC 103(a) as being unpatentable over MAYS in further view of BRASSINGTON (WO 93/22486).

Applicants respectfully maintain that Claims 10-13 are unobvious over the cited art for the same reasons discussed above with respect to the novelty rejection of Claims 1-3. The combination of MAYS and BRASSINGTON would not provide a highly oil absorbent web as claimed in Claims 10-13, especially taking into consideration that the major constituent of the fabric in MAYS is a fiber made from polymers having high melting point and low oleophilicity. There is no suggestion in the cited references to use the fusible bicomponent fibers of the outer layer of MAYS as a constituent in the base layer of MAYS, and further, to utilize such fibers in the base layer in a different manner than in the outer layers – i.e. using the bicomponent fibers in the outer layer in fused form, while utilizing them in the base layer either without fusing or with a lesser degree of fusing.

Conclusion

In light of the above amendments and remarks, and submission of the terminal disclaimer, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC 102 and 103, as well as the rejection based on obviousness double patenting. Favorable action in the case is respectfully requested.

Respectfully Submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

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